

State of South Dakota

EIGHTIETH SESSION LEGISLATIVE ASSEMBLY, 2005

915L0315

HOUSE BILL NO. 1157

Introduced by: Representatives Michels, Frost, Garnos, Gillespie, Rounds, Thompson, Vehle, and Weems and Senators Broderick, Abdallah, Koskan, McCracken, Moore, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to provide for recovery of motor fuel theft.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That chapter 22-30A be amended by adding thereto a NEW SECTION to read
4 as follows:

5 The owner of a motor vehicle who has not paid for the motor fuel received is liable to the
6 motor fuel retailer for the cost of the motor fuel. If notice of a service charge is conspicuously
7 displayed on the premises when the motor fuel was received, the motor fuel retailer may impose
8 a service charge not to exceed thirty dollars for any collection cost.

9 Section 2. That chapter 22-30A be amended by adding thereto a NEW SECTION to read
10 as follows:

11 If a motor fuel retailer provides, in writing, the license plate number of any motor vehicle
12 owner who failed to pay for the motor fuel received to any law enforcement officer, the law
13 enforcement officer shall provide the motor vehicle owner's name and addresses, recorded
14 pursuant to § 32-5-3, to the retailer.

15 Section 3. That chapter 22-30A be amended by adding thereto a NEW SECTION to read



as follows:

A motor fuel retailer may demand payment from the motor vehicle owner for the motor fuel received by sending a notice by certified mail, return receipt requested. The notice shall include the following information:

- (1) The name, address, and license plate number of the motor vehicle owner;
- (2) Date the act occurred;
- (3) Type of motor fuel;
- (4) The unpaid dollar amount;
- (5) The service charge;
- (6) A citation of section 1 and 4 of this Act; and
- (7) The employee's and employer's signature.

Section 4. That chapter 22-30-A be amended by adding thereto a NEW SECTION to read as follows:

The motor vehicle owner shall pay the motor fuel retailer the full amount due within thirty-three days after receiving notice demanding payment pursuant to section 3 of this Act. The motor vehicle owner may dispute the motor fuel retailer's claim by sending a notice by certified mail, return receipt requested, to the motor fuel retailer within the thirty-three day period. If the motor vehicle owner disputes or fails to pay the retailer's claim, the retailer may take the claim to court. The court may award the retailer the unpaid dollar amount for the motor fuel, the service charge, and reasonable court expenses. If the motor vehicle owner does not dispute the claim and fails to pay the claim within the thirty-three day period, the court may award the retailer the unpaid dollar amount for the motor fuel, the service charge, and reasonable court expenses and may also assess a civil penalty of one hundred dollars on the motor vehicle owner. Any civil penalty collected pursuant to this section shall be deposited in the county general fund

1 of the county in which motor vehicle is registered.